

**INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
May 19, 2015**

1. CALL TO ORDER: Chairman Randy Dill called the meeting to order at 7:30 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Mary Augustiny, Jennifer Burton-Reeve, Randy Dill, Daniel Jahne

COMMISSIONERS ABSENT: Bryan Goff, 2 vacancies

OTHERS PRESENT: Jim Ventres, Todd Gelston (Conservation Commission representative) and 12 townspeople were present.

3. MINUTES:

Motion by Ms. Burton-Reeve, seconded by Mr. Jahne to accept the minutes of the April 21, 2015 regular meeting as printed. Motion carried by unanimous vote.

4. BILLS:

None

5. FIELD INSPECTION REPORT

It was noted that field inspections were conducted on May 6, 2015. Mr. Dill, Mr. Ventres, Ms. Burton-Reeve, Ms. Augustiny, and Mr. Jahne were in attendance at the Greenlaw and Hoops inspection. For the Donner, Patrell, and Lagace site walks, Mr. Dill, Ms. Burton-Reeve, Mr. Ventres, and Mr. Jahne were in attendance.

Mr. Dill noted there will be a problem with attendance at next meeting. The commission discussed possible alternate meeting dates, and decided to hold a special meeting on Wednesday, June 24, 2015 at 7:30 p.m.

5. WETLANDS PERMIT REVIEW

A) Continued: Shawn & Kimberly Greenlaw, 58 Dogwood Road, 27' x 40' addition with activity in the upland review area. Assessor's Map 76, Lot 40.

First date: March 17, 2015

Last date: May 21, 2015

Mr. Shawn Greenlaw addressed the commission. He reviewed his plans for addition to include a living room, master bedroom, and mudroom.

Ms. Augustiny asked how far it is from the lake, to which Mr. Greenlaw stated it was 45 feet from the lake. Mr. Jahne asked if there would be any excavation. Mr. Greenlaw stated there would be probably 5-feet of excavation near the driveway. Ms. Augustiny questioned what percent of the lot would be covered with the additional space, to which Mr. Ventres estimated 6%. Ms. Augustiny stated that much of the addition was on the slope, so she suggested that a 3-foot small shrub barrier be added for the lake's protection. Mr. Ventres presented the applicant with a listing of suitable plantings. Ms. Augustiny suggested low bush blueberries, etc., to give a barrier for any runoff into the lake. Mr. Ventres stated if there is an established root system, it will better hold the bank and provide stabilization. Mr. Greenlaw stated he had no issues with that. Mr. Dill asked if there would be a basement. Mr. Greenlaw responded that the addition will have a walk-in basement under the addition area. He showed the area of the septic, etc.

Motion by Ms. Augustiny to approve the application of Shawn & Kimberly Greenlaw, 58 Dogwood Road, 27' x 40' addition with activity in the upland review area with the condition that before construction starts, the applicant shall submit a vegetation plan along lakeside to the Wetlands Enforcement Officer. Motion seconded by Ms. Burton-Reeve.

Discussion about the deck: It was noted that the deck is existing at this location. A suggestion was to show that there will be no future enclosure of the deck without prior review of this commission and the Chatham Health District.

Ms. Augustiny amended her motion to include this language. Amended motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

**B) Continued: Donald Donner, 121 Hopyard Road, 1 lot subdivision. Assessor's Map 23, Lot 1.
First date: April 21, 2015 Last date: June 25, 2015**

Mr. Donald Donner – property owner, Matthew and Kelly Montano - applicants, addressed the commission. Mr. Donner stated he owns 24 acres, and he is trying to split off 5 acres for Mr. and Mrs. Montano to build a home.

Ms. Augustiny asked if there were wetlands on this parcel. Mr. Ventres noted there is one pocket of wetland area that was flagged. There is a report from Ms. Jennifer Beno of Soil Science and Environmental Services, Inc. Ms. Beno's report indicated that she reviewed this area twice, and she concluded this area is not a sustainable vernal pool.

Mr. Ventres stated there is an existing town road that will be used as a driveway. It will remain gravel, and is 8% grade or less. Mr. Ventres asked the applicant's engineer to look at the runoff in this area, as it will be a concern on a state level. Ms. Augustiny asked if the town would have to improve this road. Mr. Ventres stated the road maintenance was discontinued in 1929. He noted for a single-family residence, it is acceptable.

Ms. Augustiny asked about the runoff into the road. Mr. Dill asked to what extent the town would need to be involved for the road. Mr. Ventres stated once he gets all of the information, he will contact the Public Works Department. Responsive to inquiry by Mr. Dill, Mr. Ventres stated the opportunity for any road work would be the far east of the road, which is also east of the wetland area. Mr. Dill stated there is quite a bit of slope in this area. He stated they would have to use some caution in this area, which will require them to use erosion control measures to eliminate any runoff to this area.

Mr. Jahne asked if the limits of the clearing area are shown on this plan. Mr. Ventres stated it is listed on the first page of the plans.

Motion by Mr. Dill to send letter to the Planning & Zoning Commission stating that the application of Donald R. & Sarah G. Donner, 121 Hopyard Road, 1 lot subdivision meets the requirements of the Inland Wetlands and Watercourses Commission, with the recommendation that the owner ensure there is erosion control to make sure there is no runoff to the wetland area, and to prevent erosion into the road. Motion seconded by Mr. Jahne, and carried by unanimous vote.

C) New: Robert Hoops, 13 Wildwood, Bashan Lake, increase length of dock. Assessor's Map 49, Lot 9.

First date: May 19, 2015

Last date: July 23, 2015

Mr. Hoops addressed the commission. He stated he had been asked to provide depths of the water. He submitted these to Mr. Dill. Mr. Dill stated in the field, it was noted there is a boat. He asked how deep the water needs to be for the boat. Mr. Hoops stated the book says 19-inches, but once the boat is loaded, it needs a minimum of 20-21 inches. He is left with two options. He stated he needs to wait until the water is back in the lake. The boat is propeller driven, and is 21+ feet long. He stated the old dock is 34+ feet. Mr. Hoops believed the 42-foot deck is sufficient, with the ability to adjust the boat.

Mr. Dill stated the lakes are not getting larger, and longer docks actually reduce the size of the lakes. He stated they request depths to demonstrate a real need for longer docks. Mr. Hoops stated they have buoys in the area due to the rocks. He stated there is a rock field in the area. Each year until he put buoys in the water, people struck the rocks.

Mr. Dill stated one big concern to him was visiting the site and discovering that Mr. Hoops had gone way beyond making the dock, and found that he had moved many rocks in the lake bed. He stated this is a spawning area for fish in the area. He did not know how they would resolve the work that has already been done in this area. But he did have issues with the other work that was done without bringing it to the attention of Mr. Ventres or this commission. Mr. Hoops responded there is 10-feet between the two rocks at the end. He stated the only rocks that were moved were for ingress and egress.

Mr. Ventres stated he did receive calls from people about this work. Mr. Ventres stated from an enforcement standpoint, he would have to look at this. The rocks that were moved way out into the water need to be brought back.

Ms. Augustiny stated her problem was not really with the dock, but there was a backhoe about 7-feet into the water, for which there was not a permit or any notice. She would like to see all of the rocks moved back. Mr. Hoops stated if that is the case he will not be able to use the dock. Mr. Ventres stated the rocks need to go back. It is evident which rocks were moved, because they were flipped over, on their sides, have scratches, etc.

Mr. Dill stated he had no problem with the dock, but did have a problem with the other work that was done. He stated there was work done to the right and left of the dock. He stated the commission could condition the dock, provide the applicant works with Mr. Ventres. Ms. Augustiny agreed, but only if the

dock went in after all of the other rocks were put back into their original places. Mr. Dill asked if there was a dock plan. He stated typically, the applicant and commission would discuss wooden vs. aluminum, if there would be staining of wood, etc. Mr. Hoops stated this would be Azek composite materials.

Mr. Dill stated they have some time, and he would like to see a more detailed dock plan. Mr. Ventres suggested they could also use the next 30 days repairing the rock areas.

Mr. Jahne asked if the floating dock would remain. Mr. Hoops stated there is a raft that has been there for many years. Mr. Jahne stated this was the area that was disturbed with rocks. Mr. Hoops stated if he puts the rocks back, it will leave him only 1-foot on either side, and he will have to continue to jump out of the boat to push it out beyond the rocks. Ms. Augustiny stated she was comfortable with having the applicant work on the rock area, and have this commission inspect.

Motion by Mr. Dill to continue the application of Robert Hoops, 13 Wildwood, Bashan Lake, increase length of dock until the next meeting on June 24, 2015, and for the applicant to work with Mr. Ventres to work out a solution that will satisfy the commission. Motion seconded by Ms. Augustiny, and carried by unanimous vote.

**D) New: Richard Lagace, 7 Banning Road, new driveway cut. Assessor's Map 3, Lot 42.
First date: May 19, 2015 Last date: July 23, 2015**

Mr. Lagace addressed the commission. The commission reviewed the plan.

Mr. Dill asked why the applicant needed this driveway cut. Mr. Lagace stated when he pulls into his driveway with his trailer, it is extremely dangerous because of the size of his truck and trailer, as well as the location of the existing driveway, which is located on a dangerous curve in the road with limited sight lines. Mr. Dill stated the applicant is proposing another access that will give him access to Route 82. He asked if the applicant had been in contact with the State, to which Mr. Lagace stated he had.

Mr. Dill stated there is potential for a lot of water coming down the driveway in this area. This runoff could potentially go right into the wetland below. He asked how this area would be stabilized. Mr. Lagace stated he thought they would use some larger rip rap material. He was also interested in the plans that were discussed in the field during the site visit. Ms. Burton-Reeve stated there was also discussion that the driveway be crowned properly so that it goes into the rip rap.

Mr. Jahne recalled discussion in the field that they would have to move the telephone pole for the cut. Mr. Lagace was unsure if the pole would have to be moved and reset, etc. Mr. Ventres stated the CT DOT would have oversight.

Mr. Dill asked about silt fence. Mr. Ventres believed with the rip rap and plantings, it would provide a barrier quickly to stabilize the area.

Ms. Augustiny asked if the DOT approved the drainage, etc., to which Mr. Ventres responded affirmatively. Ms. Augustiny asked how far they would have to move the sight line. Mr. Ventres stated they would create a sight line for the actual speed people drive. There is a question of how much material will have to be moved to achieve the required sight line.

Mr. Dill believed they had addressed all of the conditions, so although they need to continue this application, the applicant did not need to be present at the next meeting. Ms. Augustiny suggested they should be able to move the telephone pole in the meantime.

Motion by Mr. Dill to continue the application of Richard Lagace, 7 Banning Road, new driveway cut until the next meeting. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

**E) New: Daniel O'Brien, 277 Tater Hill Road, 3 lot subdivision. Assessor's Map 31, Lot 83
First date: May 19, 2015 Last date: July 23, 2015**

No one representing the applicant was present at this meeting.

Mr. Ventres stated the applicant had spoken with Mr. Snarski, who would review his notes for this site.

Motion by Mr. Dill to continue the application of Daniel O'Brien, 277 Tater Hill Road, 3 lot subdivision to the next regularly scheduled meeting. Motion seconded by Mr. Jahne, and carried by unanimous vote.

**F) New: Russell Brooks, (BIRCH Acres, LLC), 182 Alger Road, Shoreline Rehabilitation.
Assessor's Map 57, Lot 25.
First date: May 19, 2015 Last date: July 23, 2015**

Mr. Mark Brooks addressed the commission and stated his house sits on 33 acres of land on Birch Acres (not Cedar Acres as originally listed on tonight's agenda). It is at the end of Bashan Lake. He stated the retaining wall was constructed approximately 50 years ago. Over the past 50 years, the wall has deteriorated. It was mortared when the wall was constructed. Because it has been destroyed, there are some trees that have fallen into the water, which has eroded the shoreline. Last year, they had two contractors propose hardscapes. They decided to go with a softer solution.

Ms. Ann Pettiman, landscape architect, and Kim Bradley, a soil scientist addressed the commission.

Ms. Bradley began by stating there are some hybrid solutions. Mr. Brooks stated it was difficult to find soft solutions with vegetated buffers. However, they have come up with three options, which were captioned "Option A", "Option B", and "Option C".

Ms. Bradley presented the map. She stated they looked for the most minimal solution. Option A uses clear fiber, coconut fiber, and planting live plants through that barrier. It is important to note that the shoreline above the rock area has a vegetative barrier. They wanted to maintain that buffer as much as possible. That being said, it is difficult to say how that will hold up under large weather events and the wave action, with ice freezing, and thawing. The areas that need some additional support are shown in green on the plan.

Mr. Jahne asked if in this option, the existing rock would remain, and they would then supplement the area. Ms. Pettiman agreed.

Ms. Bradley stated the second option, “B” was that the existing rocks would be lifted and placed on top of a core fiber mattress, and then live stakes of vegetation would be used to stabilize the area. This will provide a little more resiliency to protect against the freezing and thawing and wake activity.

Ms. Bradley reviewed the third option, “C”, which would have a lower grade slope, which would have the coir fiber beneath, stakes within, but would cut and remove some of the vegetation that is there. This option would provide the most resilience, although there would be additional costs for this option.

Responsive to inquiry by Mr. Jahne, it was explained that live stakes are cuttings that are taken just as the plant is about to bud. These cuttings are then inserted directly into the coir mat so that it roots quickly.

Ms. Augustiny asked if it would be possible to walk this site from the lake side. Ms. Bradley stated it would be possible.

Mr. Ventres believed the best option for long-term viability would be to use Option B, and then add some larger rocks in the 1:1 areas to slope the area somewhat. This could be a compromise to avoid the cutting. Ms. Bradley stated they would be working with the materials there and only introducing organic biological material.

Mr. Jahne asked about survival of the plants. Ms. Bradley stated that is a concern, and they would have to monitor the plants for maintenance. She stated they have seen good results in a one year follow up. They are running into a time crunch as many of the providers for live stakes typically only stock for the ideal planting times, which are in the current time frame. The ideal planting for live stakes is May to June.

Mr. Ventres stated that options A and B, or a modified option B really fall into the category of repair and restoration, which is a permitted use. They are not removing a great deal of materials.

Mr. Dill first commended the applicant and his team for taking this approach. This is an excellent way to maintain this area. He asked if going from A to C that the amount of work would increase. He asked for a brief detail of machine work, etc.

Ms. Bradley stated that Option A is mostly hand work. There is very little actual removal. With option B, depending on the contractor, there may be an option of moving some of the stone by hand. This may get tedious, because there are some large boulders there. They may be able to move some of the material with a swing. He stated the lake is down now, and to the extent that they can limit the work in the lake, it is beneficial. Mr. Ventres stated this is a sandy area, but Mr. Dill pointed out that this is a nesting area.

Ms. Ann stated there is also a natural ramp that goes into the lake. There are thick shrubs and native trees. Mr. Brooks commented the contractors to whom he spoke last year talked about cutting a road to get in cement trucks.

Ms. Bradley stated there are individuals in her firm who have experience restoring fish hatcheries, etc., so that they would be aware of this.

Mr. Dill agreed with Mr. Ventres that this work could be treated as a restoration. He asked if there could be a compromise. Mr. Brooks stated he co-owns this property with his two sisters. They want to restore this project now, and hopefully not again in five years.

Ms. Burton-Reeve asked where the prevailing winds hit. Mr. Ventres stated they have protection from the winds. It is the boats that cause the wakes in this area.

Ms. Augustiny stated she would like to walk the area with the architect to go out to see each area. Mr. Dill asked the critical end date. Ms. Pettiman stated the last shipment dates to the nursery in northern New York will be sometime in June.

Mr. Dill suggested the commission could hold a special field walk or a special meeting. He stated this is a good plan, and he had no real problems with it. He stated they have to work with the plants they have.

Mr. Jahne asked about the stone steps. Ms. Pettiman stated there is a picture of the steps, but they will be rebuilt as flat stones, dry placed, and will use existing materials that are there.

The commission decided to schedule a field walk for June 3, 2015, and to post it as a special meeting. Mr. Dill stated they could give them a sense of direction. He stated they should decide how much of Options B and C are going to be done. Ms. Augustiny stated as they walk, it would be good to know which section will have option A, B, C, etc. Mr. Dill stated some of this will be with guidance from the applicants.

Motion by Mr. Dill to continue Russell Brooks, (BIRCH Acres, LLC), 182 Alger Road, Shoreline Rehabilitation to June 3, 2015, posted as a special meeting for Russell Brooks, (BIRCH Acres, LLC), 182 Alger Road, Shoreline Rehabilitation on June 3, 2015 at 5:45 p.m. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

**G) New: Annette Silverman, 5 Lakeside Drive, fence. Assessor's Map 49, Lot 52.
First date: May 19, 2015 Last date: July 23, 2015**

Ms. Annette and Mr. James Silverman addressed the commission. Ms. Silverman stated they would like to install a fence on their property line. Mr. Silverman stated they would not be closer than 15 feet to the water.

Mr. Ventres stated it is within the 100-foot upland review, and they should schedule a field walk. Ms. Silverman showed the photos in the catalog of the fence.

Motion by Mr. Dill to continue the application for Annette Silverman, 5 Lakeside Drive, fence. Until the next meeting, and to conduct a field walk. Motion seconded by Ms. Augustiny, and carried by unanimous vote.

**H) New: Arnold Olson, 74 Smith Road, Wildwood Cottage #18, Dock. Assessor's Map 49, Lot 9.
First date: May 19, 2015 Last date: July 23, 2015**

Mr. Olson addressed the commission. Mr. Ventres stated the commission actually looked at this area during their walk.

Mr. Olson was looking for permission to rebuild his dock. He would like to go over the rock wall with it. The dock will be 5-feet wide. Because of the terrain, the dock will be closer to the land than others. Mr. Ventres stated the wall would remain, to which Mr. Olson responded affirmatively. Ms. Augustiny noted this would be like a small deck over the dock. Right now, the dock comes out every year. Ms. Burton-Reeve asked how the deck would be anchored. Mr. Olson stated they would be anchored with 4x4s.

Mr. Dill asked what work would be involved. It was noted that it will be all hand work. He was uncertain whether he would remove it during the winter months.

Mr. Dill stated they cannot act on this application tonight, but he did not see any real issues. He did not see a need to schedule a field walk, nor did Mr. Olson need to attend the next meeting.

Motion by Mr. Dill to continue the application of Arnold Olson, 74 Smith Road, Wildwood Cottage #18, Dock until the next meeting for formal action. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote. .

I) New: Town of East Haddam, repair bridge over Eight Mile River. Assessor's Map 15, Lots 36 and 22.

First date: May 19, 2015

Last date: July 23, 2015

Mr. Rob Smith and Mr. Todd Gelston addressed the commission. Mr. Smith stated the commission already walked this site.

Mr. Smith stated this bridge was put in some time ago, and was washed away during the 1982 flood. The elevations are noted on the plan. The proposal is to create a bridge usable by pedestrians, horses, cross country skiers, and ATVs for emergency personnel use only. This bridge will be constructed almost identically to the bridge on Sheepskin Hollow Road. They will anchor the I-beams. This is part of a linear trail going from the bridge location east through all protected lands, town land, wildlife management land, forest land, and ends in protected property in East Lyme. This is 10.5 miles. It will be the Richard H. Goodwin trail, who was the founder of The Nature Conservancy. This bridge will allow them to use many different trails running through several towns. They have received a \$10,000 grant from the US Parks Service for the bridge. The conservation commission is giving \$5,000, and the Town is contributing \$15,000. The work will be done by volunteers.

Mr. Dill asked the materials. Mr. Smith stated the I-beams will be steel. The tread will be 3" pressure treated, with pressure treated railings. This will require minimal maintenance. Responsive to inquiry by Mr. Dill, he stated the life expectancy of this material would be 40 years.

Mr. Jahne asked, Mr. Smith stated they would have to do some concrete repair work at the abutments. It is a relatively simple fix.

Mr. Dill asked if this would require the building department's approval. Mr. Smith stated he believed they ran the Sheepskin Hollow Bridge by the building department, but they were okay with it because they were all engineered plans. Mr. Smith stated there might be a couple areas where the railings will be shorter for handicapped fishing areas.

Mr. Ventres stated this is a repair of an existing facility. It is an existing structure. They are not putting in new footings or piers. Instead of waiting a month, he believed this could be accomplished by a ruling that this is a repair. Mr. Dill believed it was more than a repair, it was a replacement; however, he did not have any problem with it. Mr. Jahne stated the entire area getting to it is paved, so they had a staging area.

Mr. Smith stated the beams would be slid across.

Motion by Mr. Dill to approve the application of Town of East Haddam, repair bridge over the Eight Mile River as a repair/replacement structure. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

7. SUBDIVISION REVIEW

**A) Continued: Donald Donner, 121 Hopyard Road, 1 lot subdivision. Assessor's Map 23, Lot 1.
First date: April 21, 2015 Last date: June 25, 2015**

It was noted that this was dealt with under Item 6B this evening.

**B) New: Daniel O'Brien, 277 Tater Hill Road, 3 lot subdivision. Assessor's Map 31, Lot 83
First date: May 19, 2015 Last date: July 23, 2015**

This item was discussed under Item 6E this evening.

8. IWWC ENFORCEMENT OFFICER'S REPORT

Mr. Ventres stated they have not had a lot on the wetlands side. He is starting to see more applications for work on the lake now.

The commission discussed the earlier application where a backhoe was in the lakebed.

Mr. Dill stated it would take more of Mr. Ventres' time for monitoring the area. If there is any hesitation to restoring the rocks, Mr. Ventres will contact the DEEP.

Mr. Gelston spoke on behalf of the conservation commission and believed the applicant would wait until the fall before moving anything. The commission agreed that this would not wait until the fall, and if the area was not restored within the next 30 days, they will contact the DEP.

Mr. Gelston suggested posts similar to what they use in Squam Lake in New Hampshire.

Mr. Jahne asked the status of the cease & desist on Bashan Lake Road, for the Urban property. Mr. Ventres will check on this.

Mr. Ventres distributed copies of The Habitat.

9. ADJOURNMENT

Motion by Ms. Augustiny, seconded by Ms. Burton-Reeve, and carried by unanimous vote to adjourn at 9:40 p.m.

Respectfully submitted,

Holly Pattavina